

**Semi-Annual Index to Executive Orders, Proclamations, Appointments, and Opinions**

**INDEX TO ATTORNEY GENERAL OPINIONS**

Issued by the Office of the Attorney General, 1275 W. Washington Street. For copies of these opinions, call 602-542-5025.

Copies filed with the Secretary of State's Office between January 1, 2001 through June 30, 2001.

Opinion Number	Date of Opinion	Date filed	Opinion summary (Subject)
I01-001	Jan. 2, 2001	Jan. 3, 2001	This opinion concludes that (1) Proposition 103 did not create vacancies on the Corporation Commission to be filed by gubernatorial appointment, and (2) Commissioners who were elected before approval of Proposition 103 are now eligible to serve two consecutive terms.
I01-002	Jan. 3, 2001	Jan. 3, 2001	This opinion concludes that the SFB is neither required nor permitted to substantively amend or revise its instructions to the State Treasurer after January 1 of each year based on new data later submitted by school districts.
I01-003	Jan. 16, 2001	Jan. 16, 2001	This opinion concludes that the Department of Education's proposal to have programs that comply with Proposition 203 in place in schools by the beginning of the 2001-2002 school year satisfies both Proposition 203 and federal law.
I01-004	Jan. 24, 2001	Jan. 24, 2001	This opinion concludes that benefits paid under an employee's early retirement program ("ERP") are not "compensation" for employees who joined the Arizona State Retirement System ("ASRS") plan after December 31, 1983. For employees who become members of ASRS on or before December 31, 1983 and did not elect to have retirement benefits calculated under the law as amended in 1983, ERP benefits paid at or before termination of employment are "compensation" for purposes of the ASRS plan, but ERP benefits paid thereafter are not.
I01-005	Feb. 1, 2001	Feb. 1, 2001	This opinion concludes that the Clean Elections Commission has the authority to deny funding to candidates who fail to meet the requirements of A.R.S. § 16-950, with the exception of A.R.S. § 16-950(C). The Secretary of State has the authority to enforce the requirements of A.R.S. § 16-950(C).
I01-006	Feb. 15, 2001	Feb. 15, 2001	This opinion addresses the application of Proposition 203 to schools serving the Navajo nation. The opinion concludes: (1) tribal or federally-run schools are not subject to Proposition 203, and (2) although state public schools are generally subject to Proposition 203, any state public school may offer all students classes in Native American languages and culture. State public schools must comply with Proposition 203 in a manner that is consistent with the federal law protecting Native American language rights as well as the federal Equal Educational Opportunities Act.
I01-007	Feb. 21, 2001	Feb. 21, 2001	This opinion addresses the Classroom Site Fund ("CSF") established by A.R.S. § 15-977. The opinion concludes that: (1) school districts may use their teacher performance monies from CSF to increase teacher pay based on individual teacher performance as well as other factors such as school or district performance; and (2) although school district governing boards must ascertain the priorities of school principals and allocate CSF maintenance and operation funds according to those priorities "wherever possible," governing boards need not allocate such funds solely in accordance with those priorities if they determine that an alternative allocation would "maximize classroom opportunities."

---

**Semi-Annual Index to Executive Orders, Proclamations, Appointments, and Opinions**

---

- I01-008    March 6, 2001    March 6, 2001    This opinion addresses Proposition 204. The opinion concludes: (1) all future expenditures of tobacco settlement monies must comply with Proposition 204 and prior legislative appropriations for future fiscal years may be funded only if the programs specified in Proposition 204 have been fully funded; (2) tobacco settlement proceeds not expended before the enactment of Proposition 204 must be deposited into the Tobacco Litigation Settlement Fund ("Fund"); (3) if monies remain the Fund for fiscal year after the Arizona Health Care Cost Containment System ("AHCCCS") expansion has been fully funded, the AHCCCS director must use the remaining monies for the programs specified in A.R.S. § 36-2901.02(B)(2); (4) the funding levels for the programs established in A.R.S. § 5-522(E) by a 1996 initiative must be adjusted for inflation every year since 1996; (5) Fund monies shall not supplant other AHCCCS appropriations.
- I01-009    March 8, 2001    March 8, 2001    This opinion addresses conflicts of interest for school district governing board members. The Opinion concludes that (1) governing board members who would no longer reside in the district after unification do not have a conflict of interest on the unification issue, and (2) a school board member whose spouse works for a school district that may unify with the school board member's district does not have a conflict of interest that precludes the board member from voting on the unification issue.
- I01-010    May 14, 2001    May 14, 2001    Concludes that a state employee is covered by the state merit system absent a constitutional limitation or unless the employee holds a position that is exempt from the state personnel system under A.R.S. § 41-771(A) or (B). The Department of Administration is responsible for determining whether A.R.S. § 41-771(B) applies to particular positions.
- I01-011    May 14, 2001    May 14, 2001    Concludes that State agencies may promulgate rules or policies barring their employees, including those who have concealed weapon permits, from carry weapons while on duty.
- I01-012    May 21, 2001    May 21, 2001    Counties may enact ordinances only on subjects within the counties' duties, responsibilities and functions under the state law.
- I01-013    May 21, 2001    May 21, 2001    Fire Districts may not annex property that is not contiguous to its existing boundaries, unless a specific statutory exception to the contiguity requirements applies. The contiguity requirement applies to annexations under A.R.S. § 48-262(A) or (B).